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45. (Twice amended) A vehicle cradle for removably receiving a portable terminal in a motorized vehicle, the portable terminal being operable at a location remote from the vehicle cradle and when within the vehicle cradle, said cradle comprising:

a housing configured to allow a user to secure and remove the portable terminal;
a battery charger for charging a battery within the portable terminal;
a communication port for receiving data from the portable terminal; and
a signal transmitter for transmitting the data received from the portable terminal over a wide area wireless communication network.

REMARKS

Summary of Office Action

Claims 10 and 39-45 are pending in the application.

In the final Office Action, the Examiner has finally rejected all of the pending claims, except for claim 44, under 35 U.S.C. § 103(a) as being unpatentable over Johnsen (U.S. Pat. No. 5,250,789) in view of Shah et al. (U.S. Pat. No. 5,428,546) and Curbelo (U.S. Pat. No. 5,899,285). The Examiner has finally rejected claim 44 under 35 U.S.C. § 103(a) as being unpatentable over Johnsen as modified by Shah et al. and Curbelo and further in view of O'Hagan et al. (U.S. Pat. No. 5,821,513).

Johnsen discloses a shopping display system for organizing a shopping list that is mounted on a shopping cart and O'Hagan discloses a portable data collection device mounted to a shopping cart. Shah discloses for tracking vehicle location using GPS system. Curbelo discloses a motorized personal shopping cart.

Applicant's Reply

The Applicant's invention, as defined by claim 10, as amended, is directed to a vehicle cradle that removably receives a portable terminal. The vehicle cradle includes a housing configured to allow a user to secure and remove the portable terminal, a power management system for delivering power to the portable terminal, a communication port for communicating data from the vehicle cradle to the portable terminal and a GPS system locator.

Applicant's Claim 39, as amended, is directed to a system for fulfilling orders from a remote computer comprising a communication network for communicating an order from a remote computer, a portable terminal having a data communication connection and a vehicle cradle for mounting on a motorized vehicle. The vehicle cradle includes a housing for removably receiving the portable terminal, a power management system for delivering power to the portable terminal and a communication port for communicating data from the cradle to the portable terminal. The portable terminal is operable within the vehicle cradle and at a location remote from the vehicle cradle.

Applicants' Claim 45, as amended, is directed to a vehicle cradle that removably receives a portable terminal. The vehicle cradle includes a housing configured to allow a user to secure and remove the portable terminal, a battery charger for charging a battery within the portable terminal, a communication port for receiving data from the portable terminal and a signal transmitter for transmitting data received from the portable terminal.

None of the references cited by the Examiner disclose a cradle having a housing configured to allow a user to secure and remove a portable terminal. Johnsen and O'Hagan disclose terminals that are mounted to a shopping cart. Applicants'

invention as defined by claims 10 and 45 is directed to a cradle that can removably receive a portable terminal. Similarly, applicants' invention as defined by claim 39 is directed to a system that comprising a cradle that includes a housing for removably receiving the portable terminal. Applicants' invention provides significant benefits over the cited art. The portable terminal of Applicants' invention is operable when secured to the cradle or at location remote from the vehicle cradle. When the portable terminal is removed from the vehicle cradle, a user has more mobility and can use the portable terminal in locations away from the vehicle. When the portable terminal is secured to the vehicle cradle, the portable terminal has access to important features such as a power source.

For at least the reasons provided above concerning the rejections under 35 U.S.C. § 103(a) of claims 10 and 39, applicants respectfully submits that claims 40-44 which depend on claims 10 and 39 are also allowable over the references of record.

Furthermore, with respect to claims 10 and 41, the Examiner states that in view of Shah it would have been obvious to an artisan of ordinary skill in the art to integrate a GPS system into the teachings of Johnsen. Applicants respectfully believe that the Examiner has failed to establish a *prima facie* case of obviousness for these claims. There is no suggestion to combine Shah with Johnsen. Johnsen is directed to a terminal mounted to a shopping cart. Absent Applicants' invention, there is no motivation to combine the GPS system of Shah with the shopping cart of Johnsen.

CONCLUSION

Applicants respectfully submit that pending claims 10 and 39-45 contain allowable subject matter.

If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 that are not enclosed herewith, please charge such fees to Deposit Account No. 19-5407.

Should the Examiner be of the view that a telephone interview would expedite consideration of these remarks please call the undersigned at (631) 738-5570.

Respectfully submitted,

By: 
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Dated: September 28, 2001

Date of Deposit September 28, 2001

I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "First Class Mail" with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

JUDITH E. AFFRENS

APPENDIX

MARKED-UP VERSION OF AMENDED CLAIMS PURSUANT TO 37 CFR
1.121(c)(1(ii))

10. (Twice amended) A vehicle cradle for [housing] removably receiving a portable terminal in a motorized vehicle used to deliver items to a destination address, the portable terminal being operable at a location remote from the vehicle cradle and when within the vehicle cradle, said cradle comprising:

a housing configured to allow a user to secure and remove [for receiving] the portable terminal[in a fixed location];

a power management system for delivering power to the portable terminal when[received in the fixed position] secured to the housing;

a communication port for communicating data from the [motorized] vehicle cradle to the portable terminal; and

a GPS system locator coupled to said communication port for generating a location signal and transmitting said signal to the portable terminal; whereby the location of the motorized vehicle is transmitted to the portable terminal by the vehicle cradle.

39. (Twice amended) A system for fulfilling orders placed from a remote computer, said system comprising:

a communication network for communicating an order from the remote computer to a central order processor, said order including a customer destination location for delivering a completed order;

a portable terminal having a data communication network connection for retrieving the order from the central order processor; and

a vehicle cradle for mounting on a motorized delivery vehicle for delivering goods to [a]the customer destination location, said [motorized delivery vehicle including a portable data collection terminal and a]vehicle cradle including a housing for removably receiving said portable [collection] terminal, a power management system for delivering power to said portable terminal and a communication port for communicating data from said vehicle cradle to said portable terminal;
wherein said portable terminal is operable within said vehicle cradle and at a location remote from said vehicle cradle.

45. (Twice amended) A vehicle cradle for removably receiving a portable terminal in a motorized vehicle, the portable terminal being operable at a location remote from the vehicle cradle and when within the vehicle cradle, said cradle comprising:

a housing configured to allow a user to secure and remove the portable terminal;
a battery charger for charging [the]a battery [of a] within the portable terminal;
[a portable terminal receiving housing for receiving the portable terminal and holding said terminal in a fixed position;]
a communication port for receiving data from the portable terminal; and
a signal transmitter for transmitting the data received from the portable terminal over a wide area wireless communication network.